



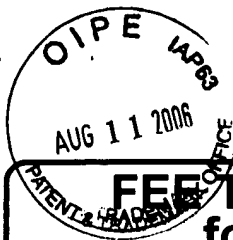
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/752,369
		Filing Date	December 29, 2000
		First Named Inventor	Patrick F. Doyle
		Art Unit	2154
		Examiner Name	Chankong, Dohm
Total Number of Pages in This Submission	13	Attorney Docket Number	42390P9017

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Basic Filing Fee  <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Reply Brief (10 pages) Return Postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark C. Van Ness, Reg. No. 39,865 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	August 7, 2006

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Typed or printed name	Gayle Bekish		
Signature		Date	August 7, 2006



# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/752,369
Filing Date	December 29, 2000
First Named Inventor	Patrick F. Doyle
Examiner Name	Chankong, Dohm
Art Unit	2154
Attorney Docket No.	42390P9017

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)				(\$)	

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Mark C. Van Ness	Registration No. (Attorney/Agent)	39,865	Telephone	(503) 439-8778
Signature		Date	08/07/06		



Patent Docket No: 42390P9017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Doyle, et al.	)	Examiner: Chankong, Dohm
	)	
Application No: 09/752,369	)	Art Unit: 2152
	)	
Filed: December 29, 2000	)	
	)	
For: Enhanced Configuration of	)	
InfiniBand Links	)	
_____	)	

Mail Stop Appeal  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**  
**IN SUPPORT OF APPELLANT'S APPEAL**

Dear Sir or Madam:

Appellant hereby submits this Reply Brief in reply to the Examiner's Answer, mailed June 6, 2006 in the above-referenced Application. Appellant again respectfully requests consideration of this appeal and the allowance of the above-captioned patent application.

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that I am causing the above-referenced correspondence to be deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and that this paper or fee has been addressed to the Commissioner of Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Date of Deposit: 8-7-06

Name of Person Mailing Correspondence: Gayle Bekish

Gayle Bekish  
Signature

8-7-06  
Date

The Applicant hereby provides a Reply Brief in response to the Examiner's response. The Applicant provides this Reply to address the contentions of the Examiner in the Answer.

### **ARGUMENT**

The Applicant hereby provides a Reply Brief in response to the contention of the Examiner in the Examiner's Response:

(1) **35 U.S.C. §102 (e) – *Osten*** – With regard to the rejection of claims 1-6, 8-22, and 24-26 under 35 U.S.C. §102 (e) as being anticipated by U.S Patent 6,735,660 of *Osten*, et al. (hereinafter referred to as *Osten*), the Examiner provides the following arguments:

**A. *Osten* discloses two embodiments that describe request-response functionality**

The Examiner has indicated that there are two embodiments contained in *Osten* that read on the claims of the Applicant. As identified by the Examiner, the first embodiment is one in which InfiniBand configuration information is retrieved from an Input/Output adaptor (IOA). To describe this embodiment, the Examiner cites to claims 22 and 11 of *Osten*, which in their entirety read as follows:

22. The apparatus of claim 19, wherein the control logic is configured to initiate retrieval of the sideband configuration information in response to detecting insertion of the primary connector of the IOA into the slot connector.

11. The method of claim 10, wherein detecting insertion of the primary connector of the IOA into the slot connector includes detecting a presence signal.

It is submitted that, while claim 22 does refer to the word “response”, this has a different meaning than is expressed in the rejected claims. What is indicated in *Osten* is that the control logic initiates retrieval of sideband configuration information “in response to detecting insertion of the primary connector of the IOA into the slot connector”. Thus, what this claim is saying is that the insertion of an adaptor will be detected, and it will result in retrieving configuration information. This is not a response made after a request has been received – no request is made. With regard to the rejected claims, there is “response regarding whether the requested configuration can be provided” shown because there is no requested configuration to which a response may be made.

Claim 11 indicates that detecting insertion of the connector includes detecting a “presence signal”. The term “presence signal” is used twice in the specification of *Osten*, and in both circumstances it appears that this is simply a signal to indicate that the IOA is in place:

Using the aforementioned logic circuitry, an InfiniBand-compatible slot in a backplane or other chassis interconnect may be dynamically configured for use with a sideband communications-capable IOA using a process similar to an IOA initialization routine 70 executed by the SES processor in response to detection of an assertion of the presence signal due to the primary connector of an IOA being plugged into a mating slot connector in the backplane.

(*Osten*, col. 8, lines 22-29)

Upon detection of the assertion of a presence signal, routine 70 begins in block 72 by reading the VPD information from the IOA over the 12C bus to determine what the capabilities of the IOA are. For example, the SES processor may determine that the IOA is sideband-capable and

requires a functional 1x InfiniBand link. The VPD may also indicate that a number of other signal paths are allocated for sideband communications, e.g., wire pairs 3 and 4 might be used to drive an RS232 connection to a DB9 connector on the tailstock. An innumerable number of sideband capabilities, definitions and formats may be defined by the VPD consistent with the invention.

(*Osten*, col. 8, lines 47-58) Based on the claims, the Examiner has indicated that “[o]ne of ordinary skill in the art could reasonably interpret *Osten*’s presence signal as a request for configuration information because Infiniband configuration information is retrieved in response to detecting the presence signal. The retrieval of the configuration information corresponds to the claimed response signaling that the configuration can be provided.” It is submitted that this is flawed reasoning because the Examiner is answering the wrong question. The claim does not provide for a “request for configuration information”. What is provided in claim 1 is “requesting an InfiniBand connectivity configuration”, which is followed by “receiving a response regarding whether the requested configuration can be provided”. Further, the Examiner states that the retrieval of the configuration information corresponds to a response signaling that the configuration can be provided. However, this is not accurate because there is no such response. What happens in *Osten* is a connection may be made if a configuration is possible, and an error otherwise occurs. This is further shown by the provisions of *Osten* that relate to what results from a mismatch in capabilities:

Next, in block 74, the SES processor checks the relative capabilities and the compatibility between the IOA and the host apparatus, including the slot connector capabilities and/or other capabilities of the host apparatus. Doing so ensures that the computer and slot are fitted with

the hardware and software necessary to properly operate the type of IOA installed in the slot.

If the check in block 74 fails, control passes to block 76 to signal an error, typically in any of a number of manners known in the art. Otherwise, if the check passes, block 74 passes control to block 78 to set up any initial configuration for the slot and the corresponding IOA through the 12C bus to prepare for sideband communications. Specifically, various signal paths and contacts are typically configured to communicate sideband signals, although in some instances no particular configuration operations may need to be performed for some signal paths or contacts.

(*Osten*, col. 8, line 59 through col. 9, line 8) It is submitted that portions of *Osten* cited by the Examiner actually demonstrate a different type of operation from that provided in the rejection claims.

In addition, the Examiner claims that a second embodiment is disclosed by *Osten*, and in this second embodiment a make or model identifier may be provided to a database in order to obtain relevant configuration information. However, it is submitted that what *Osten* does in the cited portion is to suggest a different method or methods for providing configuration information:

IOA 26 also includes vital product data (VPD) defined in a VPD block 60, which provides, in addition to conventional VPD information, sideband configuration information that defines the sideband capabilities of the IOA. The sideband configuration information may include information such as the width of the InfiniBand bus (1x, 4x or 12x), the assignment of sideband signals to particular signal paths, etc. In the alternative, a make or model identifier for the IOA could be provided as sideband configuration information so that a host system could access a database to obtain relevant configuration information for the particular type of IOA. Furthermore, rather than utilizing VPD logic, other types of

configuration logic may be used to provide sideband configuration information, e.g., one or more jumpers, a ROM or other memory device, etc.

(*Osten*, col. 8, lines 22-29) As described, this embodiment does not provide for any request or response. Instead, *Osten* again discusses methods for determining the capabilities of an adaptor. Rather than directly provide the information, a system may instead obtain product information, which may be used to make capability determinations. Thus, none of the embodiments provided in *Osten* include any teaching or suggestion of the elements of claim 1 regarding “requesting an InfiniBand connectivity configuration” or “receiving a response regarding whether the requested configuration can be provided”.

For at least the above reasons, *Osten* does not anticipate the provisions of independent claims 1, 8, 12, 16, or 24. The remaining rejected claims 2-6, 9-11, 13-15, 17-22, 25, and 26, while having other differences, are dependent claims and are allowable as being dependent on the allowable base claim.

B. *Osten's* database functionality reads upon the limitations of claims 5, 9, 12, and 16

Claim 5 reads as follows:

5. The method of claim 1, wherein said request for a connectivity configuration is made by an InfiniBand module to an InfiniBand chassis management entity.

The Examiner indicates that in what is referred to as “*Osten's* second embodiment” there is “a request for configuration information is submitted to a database in the form of a model or make identifier”, and that “[i]n response to the request, the



database affirmatively response with the requested configuration information.” It is first submitted that the elements suggested by the Examiner are not the elements of the claims. There may be a request potentially made to a database, but it is not the right kind of request. What actually happens in *Osten* is that model information is obtained from a device. The host then may use such information to look up certain information regarding the capabilities of the device. If there is a “request” to the database, it is not a request for a connectivity configuration, but is rather a request for information regarding a particular device that has been discovered.

The Examiner further indicates that:

Applicant’s specification describes the chassis management entity as being part of an Infiniband chassis. The only other responsibility, as described in the specification and claims, of the chassis management entity is to respond to the request.

...

Nothing in Applicant’s specification prevents interpreting the chassis management entity as a database. *Osten*’s database provides the same functionality as Applicant’s claimed chassis management entity.

It is submitted that this is not a reasonable conclusion, and ignores well-known aspects of InfiniBand technology. The understanding by a person of skill in the art is that a database is a collection of data in some format, which is generally available for access or search. A database would not be understood in its normal meaning as a management entity, and there is nothing in the *Osten* to indicate that “database” has any such meaning. It is not reasonable to equate a “database” with an InfiniBand chassis management entity. Further, the Examiner’s contention ignores the fact that an InfiniBand chassis management entity (or CME) is a known element in the art. As indicated in the Background of the application, the standards for the InfiniBand architecture are being

developed by the InfiniBand Trade Association (ITA), and are provided in the architecture specification for the system. The InfiniBand Architecture Specification (Release 1.0, October 24, 2000), as well as later releases, describes the CME.

It is thus respectfully submitted that the argument of the Examiner is not supported by the reference, or by the normally understood meanings of the terms in question.

(2) **35 U.S.C. 103 (a) – *Osten* in view of *Pickreign*** – With regard to the rejection of Claims 7 and 23 under 35 U.S.C. 103 (a) as being unpatentable over *Osten* in view of U.S Patent 6,732,249 of Pickreign, et al. (hereinafter referred to as “*Pickreign*”), the Examiner:

C. *Pickreign* discloses configuration request and response functionality

As provided in the Appeal Brief, it is submitted that *Pickreign* does not contain the elements missing from *Osten*, and thus the cited references do not contain the elements of the independent claims. Claims 7 and 23 are not taught or suggested by the cited references, and are allowable as being dependent on the allowable base claims.

The Examiner indicates that “*Pickreign*’s teachings are entirely relevant to *Osten*’s invention.” However, it is again submitted that is not relevant to the elements of “requesting an InfiniBand connectivity configuration” and “receiving a response regarding whether the requested configuration can be provided”.

The Examiner cites to portions of *Pickreign* to indicate that the reference is concerned with the initial configuration between network adapters and host computers, specifically discussing using a PCI bus to “communicate configuration requests and responses between the adaptor and the host” (citing to *Pickreign*, col.2, lines 43-45) and

further indicates that *Pickreign* discloses “writing a configuration request to a configuration registers and writing the corresponding response to the configuration request to another configuration register” (citing to *Pickreign*, col. 3, lines 29-35 and col. 2, lines 48-53).

However, an examination of the cited references reveals that what *Pickreign* is discussing is actually a method and system for performing a virtual boot of data in a network interface adapter. Within this operation, “[t]he host computer reads a PCI configuration register that has been loaded with a predetermined request for the memory needed for the BIOS ROM. The host computer responds with an assigned base address in the host computer address space and an allocation of a range of contiguous addresses within the host computer address space equal to the amount of memory requested by the NIA processor 24.” (*Pickreign*, col. 2, lines 15-22).

Thus, while *Pickreign* may refer to a “request” and a “response”, these are not relevant to the elements of the current claims. *Pickreign* is instead concerned with a request for memory, and a response of a base address and allocation of memory. The portions of *Pickreign* that have been cited refer to this concept. The fact that *Pickreign* may have used configuration registers for a particular use does not show the writing of a “request for a connectivity configuration” or the writing of a “response to said request”.

Therefore, it is submitted that the elements of claim 7 and 23 are not taught or suggested by *Osten* and *Pickreign*. It is further submitted that, while having other differences, claims 7 and 23 are allowable as being dependent on the allowable base claims.

## **CONCLUSION**

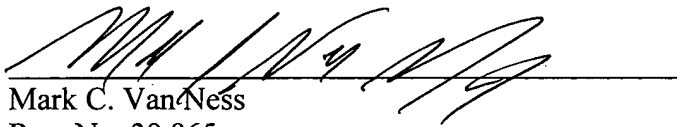
It is again submitted that the Examiner has failed to provide any reference or combination of references that shows the claims. Therefore, Appellant respectfully submits that all appealed claims in this application are patentable and were improperly rejected by the Examiner during prosecution before the United States Patent and Trademark Office. Appellant respectfully requests that the Board of Patent Appeals and Interferences reverse the Examiner and direct allowance of the rejected claims.

**Fees** – Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 7, 2006

  
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